

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DPJ	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 16-245
	:	
DELAWARE VALLEY CHARTER	:	
HIGH SCHOOL, et al.	:	
Defendants.	:	

ORDER

AND NOW, this 31st day of August 2016, upon consideration of the Motion to Dismiss and the opposition thereto, and for the reasons stated in the accompanying memorandum opinion, it is hereby **ORDERED** that the Motion is **GRANTED** as follows:

1. Count I (Civil Rights Violations under 42 U.S.C. § 1983) is **DISMISSED without prejudice** for failure to state a claim.
2. Count V (Civil Rights Violations under 42 U.S.C. § 12132 and 29 U.S.C. § 794) is **DISMISSED without prejudice** for lack of subject-matter jurisdiction resulting from the failure to exhaust.
3. Plaintiff is granted leave to file an amended complaint within **21 days** of the date of this Order.
4. In the event that Plaintiff does not file an amended complaint, the Court declines to exercise supplemental jurisdiction over the state-law claims and Count II (Reckless Disregard of Safety), Count III (Negligence), and Count IV (Outrageous Conduct Causing Severe Emotional Distress) are **REMANDED** to the Court of Common Pleas of Philadelphia County, Pennsylvania, where the case was filed at January Term 2016, No. 937.

It is so **ORDERED**.

BY THE COURT:

/s/Cynthia M. Rufe

CYNTHIA M. RUFE, J.